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11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE

14 EQUAL EMPLOYMENT
 15 OPPORTUNITY COMMISSION,

16 Plaintiff,
 17 v.

18 SIZZLER USA RESTAURANTS, INC.

19 Defendant.

20 CIVIL ACTION NO. 6142

21 COMPLAINT- CIVIL RIGHTS
 22 EMPLOYMENT DISCRIMINATION

23 JURY TRIAL DEMAND

24 NATURE OF THE ACTION

25 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
 26 Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female, and
 27 national origin, Mexican, and to provide appropriate relief to Patricia Huizache who was adversely
 28 affected by such practices. As alleged below, Defendant SIZZLER USA RESTAURANTS, INC.
 (SIZZLER) subjected Ms. Huizache to unlawful sex and national origin discrimination which led to
 her constructive discharge on October 16, 2004.

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33 COMPLAINT

34 ORIGINAL
 35 FILED
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 37 RICHARD H WILKING
 38 CLERK, U.S. DISTRICT COURT
 39 NORTHERN DISTRICT OF CALIFORNIA

JF
 PVT

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and
1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of
the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §2000e-5(f)(1) and (3); and Section
102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

INTRADISTRICT ASSIGNMENT

2. The employment practices alleged to be unlawful were committed within the State of California, County of San Mateo, City of Redwood City, within the jurisdiction of the United States District Court for the Northern District of California - San Jose Division.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (EEOC), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant SIZZLER has continuously been doing business in the State of California, County of San Mateo, City of Redwood City and has continuously had at least fifteen employees.

5. At all relevant times, Defendant SIZZLER has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Patricia Huizache filed a charge of discrimination with the EEOC alleging violations of Title VII by Defendant SIZZLER. All conditions precedent to the institution of this lawsuit have been fulfilled.

COMPLAINT

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7. Since at least April 2004, Defendant SIZZLER has engaged in unlawful practices at its Redwood City, California location in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a). These practices include subjecting Ms. Huizache to a hostile, abusive, intimidating and offensive work environment because of her sex, national origin and/or a combination of these bases culminating in her constructive discharge.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Huizache of equal employment opportunities and otherwise to adversely affect her status as an employee because of her sex, female, and her national origin, Mexican.

9. The unlawful employment practices complained of in paragraph 7, above, were and are intentional.

10. The unlawful employment practices complained of in paragraph 7, above, were and are done with malice and/or reckless indifference to the federally protected rights of Ms. Huizache.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex and national origin discrimination.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for its female and Mexican origin employees and which eradicate the effects of its past and present unlawful employment practices of sex and national origin discrimination.

C. Order Defendant to make whole Ms. Huizache by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement.

COMPLAINT

3.

1 D. Order Defendant Employer to make whole Ms. Huizache by providing compensation
2 for past and future pecuniary losses resulting from the unlawful employment practices described
3 above, including medical expenses, with interest, in amounts to be determined at trial.

4 E. Order Defendant Employer to make whole Ms. Huizache by providing compensation
5 for past and future non-pecuniary losses caused by the above unlawful conduct, including pain and
6 suffering, emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and
7 humiliation, in amounts to be determined at trial.

8 F. Order Defendant Employer to pay Ms. Huizache punitive damages for its malicious
9 and reckless conduct described above, in amounts to be determined at trial.

10 G. Grant such further relief as the Court deems necessary and proper.

11 H. Award the EEOC its costs in this action.

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1 JURY TRIAL DEMAND
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4 The Commission requests a jury trial on all questions of fact raised by its complaint.
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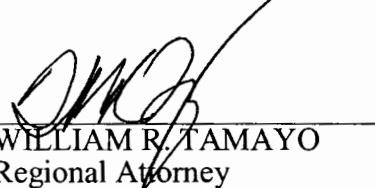
7 RONALD COOPER
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10 JAMES L. LEE
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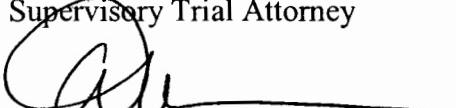
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21 Date: September 22, 2006
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